IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3526 of 2005

Between:

N. Vishnu Murthy,

S/o.Late.Sri.N.Venkateswara Rao,

Aged 42 years,

R/o.Hyderabad.

..... PETITIONER

AND

1. M/s.Praga Tools Ltd.,

(A Govt. of India Undertaking),

rep. By its Managing Director, 6-6-8/32,

Kavadiguda, Secunderabad.

2. The Assistant General Manager, (HR),

M/s. Praga Tools Ltd., Kavadiguda,

Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ , order or direction more particularly one in the nature of writ of Mandamus declaring the letter bearing No.1110/E/VRS/2584/2004, dated 08-04-2004 issued by the 1st respondent as arbitrary, illegal, high handed, violate the fundamental rights guaranteed to the petitioner under Article 14, 19 (1)(g) and 21 apart from being in violation of the settled principles of natural justice and service jurisprudence and principles of natural justice and fair play and consequently permit the petitioner to rejoin the company and continue to serve the organization and receive all the benefits till today and continued to receive the same during his service and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.T.S.ANAND

Counsel for the Respondents: MR.K.NAGESWARA SREE

The Court made the following :

ORDER:

Petitioner joined the first respondent as a Supervisor in 1991. He was promoted as Junior Manager, Accounts on 01-01-2000. It is stated that the respondents have introduced PTL-Special lien scheme on 14-02-2000 and that due to some family problems, the petitioner opted for the scheme for a period of three years from 09-03-2001 and the same was accepted. Grievance of the petitioner is that the respondents have terminated the lien and asked him to take voluntary retirement by the impugned order, which is highly illegal and arbitrary. He therefore prays for a declaration that the said order is illegal and to direct the respondents to permit him to join duty.

Heard learned counsel for the petitioner and the learned Counsel appearing for the respondents.

Learned counsel appearing for the respondents submitted that if the petitioner is not interested in Voluntary Retirement Scheme, he is at liberty to join the organization by 28-02-2005.

Having regard to the submission of the learned counsel for the respondents, without entering into the merits of the case, I deem it appropriate to dispose of the writ petition with a liberty reserved to the petitioner to join the organization by 28-02-2005.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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25-02-2005

Note: Issue operative portion by wire

at party's costs.

B/o.

vs

To

1. The Managing Director, Praga Tools Ltd.,

(A Govt. of India Undertaking),

6-6-8/32,

Kavadiguda, Secunderabad.

2. The Assistant General Manager, (HR),

M/s. Praga Tools Ltd., Kavadiguda,

Hyderabad.

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THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 3526 of 2005

Dated: 25-02-2005

vs